IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 35549 of 2007(F)

AGAINST THE ORDER DATED 12/09/2007 IN EP. 201 /2006 IN OS.596/2003OF III ADDL MUNSIFF COURT, TRIVANDRUM

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PETITIONERS:

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1. K.T.RAGHAVAN, S/O.THEVAN,
SUPERINTENDENT (RETIRED) THE KERALA AGRO INDUSTRIES CORPORATION, FORT THIRUVANANTHAPURAM, RESIDING AT SRIHARI, T.C.29-5171, PETTA, THIRUVANANTHAPURAM.

2. N.SASIDHARAN, S/O.NEELAKANTAN,
WORK ASSISTANT (RETIRED) THE KERALA AGRO INDUSTRIES CORPORATION, FORT, THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:

STATE BANK OF TRAVANCORE,
SASTHAMANGALAM BRANCH, THIRUVANANTHAPURAM, REP. BY ITS BRANCH MANAGER.

BY ADV. SRI. SATHISH NINAN SC FOR SBT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.35549 OF 2007

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Dated this the 1st day of December 2007

JUDGMENT

Notice served on the standing counsel for the bank. Heard both sides. The prayer in the writ petition is to quash Ext.P3 and give opportunity to the petitioners to repay the decree debt in easy instalments. I am informed that the first petitioner herein was working as Deputy General Manager in the Kerala Agro Industries Corporation and the second petitioner was also working in the very same institution and that both of them had retired from service. Learned counsel for the petitioner in fairness submits that petitioners want to wipe off the entire liability if a breathing time is given to them. Learned standing counsel for the bank is also very particular in getting the amount due under the decree.

Taking into consideration the entire facts and circumstances of the case, I dispose of the writ petition as follows:(1) Petitioners are directed to pay the decree amount in six equal monthly instalments commencing from 4.1.2008.(2)If they commit default in payment of the first instalment or two consecutive instalments thereafter, they will forfeit the benefit given under

this judgment and the 1st writ petitioner can be proceeded against for detention in civil prison. (3)Till such time, the order of arrest shall not be implemented.(4) The bank is directed to file a statement showing the correct balance amount due and let it be paid.

M.N.KRISHNAN, JUDGE

Cdp/-